BOMBAY ACT No. LXVIII OF 1953.[1]

[THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953.]

[*8th December 1953*]

An Act to provide for the registration of veterinary practitioners in the State of Bombay.

WHEREAS it is expedient to provide for the registration of veterinary practitioners in the State of Bombay and for certain other purposes; It is hereby enacted as follows:—

PART I.

Introductory.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Veterinary Practitioners Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Council" means the Bombay Veterinary Council established under section 3;

(*2*) "prescribed" means prescribed by rules;

(*3*) "President" means the President of the Council;

(*4*) "register" means the register of veterinary practitioners maintained under section 11;

(*5*) "registered veterinary practitioner" means a veterinary practitioner whose name is for the time being entered in the register;

(*6*) "Registrar" means the Registrar appointed under section 9;

(*7*) "Registration Officer" means the Registration Officer appointed under section 12;

(*8*) "Regulation" means a regulation made under section 32(*2*);

(*9*) "Rule" means a rule made under section 32(*1*);

(*10*) "Schedule" means the Schedule appended to this Act.

PART II.

Bombay Veterinary Council : establishment, constitution, meetings and proceedings.

Establishment and constitution of Council.

3. (*1*) The State Government shall, as soon as may be after the preparation of the first register, by notification in the *Official Gazette* establish a Council to be called the Bombay Veterinary Council.

(*2*) The Council shall consist of the following members, namely:—

(*a*) the Director of Veterinary Services, Bombay State, *ex-officio*;

(*b*) two members to be elected by registered veterinary practitioners from amongst themselves;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 398.

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[1](*c*) one member from each university in the State in which provision is made for instruction, teaching or training in veterinary science, to be elected by members of the Senate or the Court of the University, as the case may be, from amongst themselves ;

(*d*) one member to be elected by the members of the Bombay Legislative Assembly from amongst themselves ;

(*e*) members not exceeding two in number, if any be nominated by the State Government.

(*3*) The Director of Veterinary Services, Bombay State, shall be the President of the Council.

Nomination of member in default of election.

4. If any of the members is not elected under clause (*b*) of sub-section (*2*) of section 3, then the State Government may, notwithstanding anything contained in sub-section (*2*) of the said section, nominate such member to represent the registered veterinary practitioners and the member so nominated shall for the purposes of the Act be deemed to have been duly elected under clause (*b*) of sub-section (*2*) of section 3.

Election of members.

5. The election of the veterinary practitioners under clause (*b*) of sub-section (*2*) of section 3 shall be held at such time and place and in such manner as the Council may by regulations provide in this behalf :

Provided that the first election of such members shall be held at such time and place and in such manner as the State Government may, by notification in the *Official Gazette*, determine in this behalf.

Tenure of office.

6. (*1*) The members of the Council, other than the President, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated, whichever is longer, and shall be eligible for re-election or re-nomination, as the case may be :

Provided that a member elected under clause (*c*) or (*d*) of sub-section (*2*) of section 3 shall hold office only so long as he is a member of the Senate or the Court of the University or of the Bombay Legislative Assembly, as the case may be.

(*2*) Any elected or nominated member may at any time resign his appointment by letter addressed to the President. Such resignation shall take effect from the date on which it is received by the President.

(*3*) If any vacancy occurs in the office of a member of the Council through death, resignation or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in accordance with the provisions of sub-section (*2*) of section 3, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was elected or nominated.

(*4*) (*a*) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

(*b*) Except in the case provided for in clause (*a*), if any member of the Council other than the President shall absent himself from three consecutive ordinary meetings of the Council, the Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(*5*) No act of the Council shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Council or absence of any member on account of leave or otherwise.

Time and place of meeting of Council.

7. The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner, as may be provided by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by letter addressed to each member.

Procedure at meetings of Council.

8. (*1*) The President shall preside at every meeting of the Council. In the absence of the President, the members present shall elect one from amongst themselves to preside.

(*2*) All questions at a meeting of the Council shall be decided by votes of the majority of the members present at the meeting. Three members shall form a quorum.

(*3*) At every meeting of the Council, the President for the time being shall, in addition to his vote as a member of the Council, have a second or casting vote in case of an equality of votes.

PART III.

Registrar and other officers and servants.

Registrar and other officers.

9. The Deputy Director of Veterinary Services, Bombay State, *ex-officio*, or such other officer of the Veterinary Department as the State Government may specify, shall be the Registrar and shall be assisted by such officers and servants in his office as the State Government may determine in this behalf.

Payment of travelling expenses to members.

10. The members of the Council shall be paid travelling expenses at such rates and subject to such conditions as may be approved from time to time by the State Government.

PART IV.

Registration and powers and duties of the Council.

Register.

11. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of veterinary practitioners of the State.

(*2*) The register shall be prepared and thereafter maintained in such form as the State Government may direct. The register shall contain the name, residence and qualification of every person registered under this Act, together with the date on which such qualification was acquired.

Preparation of first register.

12. (*1*) For the purposes of the preparation of the first register, the State Government may by notification in the *Official Gazette* appoint an officer as the Registration Officer.

(*2*) The State Government by the same or like notification shall appoint a date on or before which the application for registration shall be made to the Registration Officer.

(*3*) The Registration Officer shall examine every application received on or before the appointed date, and after making such enquiry in the prescribed manner, if he is satisfied that the applicant is qualified for registration under section 14, shall direct the entry of the name of the applicant in the register.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct.

Custody and maintenance of register.

13. (*1*) Upon the constitution of the Council for the first time after the commencement of this Act, the register shall be given into its custody and the State Government shall direct that all or a specified part of the application fee for registration in the first register shall be paid to the credit of the Council. The State Government shall notify in the *Official Gazette* the date on which the register is given in the custody of the Council.

(*2*) The Registrar shall keep the register correct as far as possible and may from time to time enter therein any material alteration in address or qualification of the registered practitioners. The names of registered practitioners who die or whose names are directed to be removed from the register under section 16 shall be removed from the register.

(*3*) The State Government may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of any such fee as may be prescribed by it in that behalf.

Persons entitled to be registered.

14. (*1*) Subject to the provisions of this Act, every person shall, if he holds any of the qualifications included in the Schedule be entitled on application to be registered, on payment of a fee of Rs. 15 and on giving evidence to the satisfaction of the Registration Officer or the Registrar, as the case may be, of his possession of a qualification entitling him for registration.

(*2*) The State Government may, after consulting the Registration Officer or the Council, as the case may be, permit the registration of any person who has been actually conducting veterinary practice in the State of Bombay since a date prior to the 1st day of January 1944, notwithstanding the fact that he may not be possessing qualifications entitling him to have his name entered in the register.

(*3*) Every person for the time being registered with the veterinary Council of any other State in India under any law for the registration of veterinary practitioners in force in such State shall, if reciprocity of registration has been arranged with such Council, be entitled to be registered under this Act, on making an application in that behalf, on payment of a fee of Rs. 15 and on his informing the Registration Officer or the Registrar, as the case may be, of the date of his registration under the said law and on giving a correct description of his qualifications with the dates on which they were granted.

(*4*) Any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, and any person who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect may be refused registration under this Act.

V of 1898.
44 and 45 Vict. Ch. 58.
VIII of 1911.
XLVI of 1950.

Appeals and erasure of incorrect entries.

15. (*1*) Any person aggrieved by the decision of the Registration Officer or Registrar regarding the registration of his name or any entry in the register may appeal—

(*a*) against the decision of the Registration Officer, to the State Government, and

(*b*) against the decision of the Registrar, to the Council.

(*2*) An appeal—

(*a*) to the State Government shall be filed within 30 days from the date of publication of the first register under sub-section (*4*) of section 12 and on payment of a fee of Rs. 5 ; and

(*b*) to the Council shall be filed within such period and on payment of such fee, and shall be heard and decided by the Council in such manner as may be provided by regulations.

(*3*) The State Government in the case of the first register, and in other cases the Council, may on its own motion or on the application of any person after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register if in the opinion of the State Government or the Council, as the case may be, such entry was fraudulently made or caused to be made.

Removal from register.

16. The Council may direct that the name of any registered veterinary practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect, shall be removed from the register and may direct that any name so removed shall be re-entered.

V of 1898. 44 and 45 Vict. Ch. 58. VIII of 1911. XLVI of 1950.

Renewal fee.

17. (*1*) Notwithstanding anything contained in section 14 or 21, the Council may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each veterinary practitioner for the continuance of his name on the register.

(*2*) Where the renewal fee is not paid before the date fixed by the Council in that behalf, the Registrar shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the fee in such manner and subject to such conditions as the Council may, by regulations, direct.

Certificates by veterinary practitioners.

18. No certificate required by or under any law for the time being in force from any veterinary practitioner or veterinary officer shall be valid unless the person signing the same shall have been registered under this Act.

Unregistered persons not to hold certain appointments.

19. No person shall, except with the sanction of the State Government, hold any appointment for the performance of veterinary duties in any veterinary dispensary, hospital or infirmary which is not supported entirely by voluntary contributions, or which belongs to a local authority or in any public establishment, body or institution, unless he is registered under this Act.

Notice of death.

20. Every Registrar of Deaths on receiving notice of the death of a registered veterinary practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificates and transmission as an expense of his office.

Annual list of veterinary practitioners.

21. (*1*) The Registrar shall, in every year on or before a date to be fixed by the Council, cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register and the dates when such qualifications were acquired, in alphabetical order according to the surnames of the persons registered.

(*2*) The list of names and qualifications printed and published in pursuance of sub-section (*1*) shall be evidence in all cases (until the contrary is proved) that the persons therein appearing are duly registered; and the absence of the name of any person from such list shall be evidence (until the contrary is proved) that such person is not registered:

Provided that in the case of any person whose name does not appear in such list a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered.

Council authorised to call for information and attend examination.

22. The Council shall have authority to call on the governing body or authority of any veterinary college, school or other institution and on any examining body included in or desirous of being included in the Schedule—

(*a*) to furnish such particulars as the Council shall require of any course of study prescribed or examination held by such body or authority or in such college, school or institution, with reference to the grant of any veterinary qualification, and

(*b*) to permit any member of the Council deputed by the Council in this behalf to attend and be present at any such examination.

Disposal of fees.

23. All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the State Government.

PART V.

Offences and Penalties.

Veterinary practitioners not registered under this Act not to sign or authenticate veterinary certificate, etc.

24. Notwithstanding anything contained in any law for the time being in force, no person other than a person registered under Part IV of this Act—

(*a*) shall sign or authenticate any veterinary or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified veterinary practitioner, or

(*b*) shall be qualified to give evidence as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to veterinary science. I of 1872.

Prohibition against addition of any title, description, etc. to name of any person unless authorised to do so.

25. No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of veterinary science unless—

(*a*) he actually holds such degree, diploma, licence or certificate ; and

(*b*) such degree, diploma, licence or certificate is specified in the Schedule or is recognized by law for the time being in force in India or in any part thereof or has been conferred, granted or issued by an authority empowered or recognized as competent by the State Government to confer, grant, or issue such degree, diploma, licence or certificate.

Penalty for contravening provisions of section 24 or 25.

26. Whoever contravenes the provisions of section 24 or 25 shall be punished, in the case of a first conviction with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction with fine which may extend to five hundred rupees.

Penalty for falsely claiming to be registered.

27. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished, on conviction, with fine which may extend to three hundred rupees.

Court competent to try offences under this Act.

28. No court other than the court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

PART VI.

Control.

Alteration in list of qualifications mentioned in Schedule.

29. If it shall appear to the State Government on the report of the Council or otherwise, that the course of study and examinations prescribed by any of the colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession or if it shall appear to the State Government, on the report of the Council or otherwise, that the course of study and examinations prescribed by any college or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the State Government from time to time by notification in the *Official Gazette* to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

Power of State Government to give directions and to appoint authorities in place of those not validly appointed or constituted.

30. (*1*) The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions. If the Council fails to comply with the directions so given the State Government may direct the carrying out of such directions and the expenditure incurred in carrying them out shall be paid out of the moneys credited to the Council.

(*2*) If at any time it shall appear to the State Government that the Council or any other authority has not been validly constituted or appointed under this Act, the State Government may direct that the powers to be exercised or duties or functions to be performed by the Council or such authority shall, notwithstanding anything contained in this Act, be exercised or performed by such officer or authority, in such manner and for such period as it deems fit.

PART VII.

Miscellaneous.

Indemnity to persons acting under this Act.

31. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or regulations.

Rules and Regulations.

32. (*1*) The State Government may, after previous publication, by notification in the *Official Gazette* make rules to carry out the purposes of this Act.

(*2*) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made under sub-section (*1*) for all or any of the following matters, namely :—

(*a*) the time at which and the place and manner in which election of the members of the Council shall be held under section 5 ;

(*b*) the time and place at which the Council shall hold its meeting and the manner in which such meeting shall be summoned under section 7 ;

(*c*) the period within which and the manner in which appeals against the decisions of the Registrar shall be filed and heard and decided by the Council under section 15 and the fee payable with such appeals ;

(*d*) the manner in which and the conditions subject to which the name of a veterinary practitioner shall be re-entered in the register on payment of renewal fee under section 117.

(*3*) All regulations shall be published in the *Official Gazette*.

(*4*) The State Government may by notification in the *Official Gazette* cancel any regulation.

THE SCHEDULE.

(*See sections 14, 22 and 29.*)

1. Bachelor of Science (Veterinary) (Bombay).
2. Bachelor of Veterinary Science (Madras).
3. Bachelor of Vaterinary Science (Punjab).
4. Bachelor of Science (Veterinary) (Uttar Pradesh).
5. Bachelor of Science (Veterinary) (Madhya Pradesh).
6. Graduates of Bombay Veterinary College.
7. Graduates of Madras Veterinary College.
8. Graduates of Bengal Veterinary College.
9. Graduates of Punjab Veterinary College.
10. Graduates of Bihar Veterinary College.
11. Members of the Royal College of Veterinary Surgeons, London.
12. Doctors of Veterinary Medicine or Bachelors of Veterinary Science of Universities in countries of the Commonwealth other than the United Kingdom.
13. Doctors of Veterinary Medicine of Universities in the United States of America.